

Remembering Professor Stanley Laughlin

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Professor Stanley Laughlin was a good part of what has made my time at the Ohio State University Moritz College of Law both productive and enjoyable. He joined the College a year before I did. Those years brought activity on the campus that presented special challenges for new teachers. Women students and African-American students staged protests to demand equality in various phases of University life. Gay students organized publicly for the first time. Teach-ins and demonstrations relating to the country's involvement in the Vietnam War conflicted with class schedules. At one point, the National Guard occupied the campus. Opening classroom windows risked allowing in tear gas that was being used for crowd control.

Turbulence reached the College of Law. One day a small explosive device was detonated outside the office door of a faculty member. Checkpoints were set up at the College's doors to screen entrants.

It was in this environment that Professor Laughlin and I became friends, as we figured out how to navigate this extraordinary situation. I saw how he dealt sensitively with students who themselves were trying to figure out how to be law students but at the same time be part of a national dialogue that was hard to avoid. I saw Professor Laughlin's deep sense of ethics, an orientation on his part that drew him to the subject of legal ethics and professional responsibility.

While Professor Laughlin served in the United States Navy, his travels around the world led him to develop an interest in the lives of those on many islands. When he came to the College, Professor Laughlin looked into the legal order of those islands, many of which fell under the jurisdiction of the United States. The legal systems of those islands reflected a not-always-comfortable interaction between traditional practices through which the population self-governed, and a statutory regime that brought into play concepts like habeas corpus and access to U.S. federal courts.

Professor Laughlin arranged travel grants to spend time in these territories, where he learned about the indigenous cultures in a way that other U.S. legal academics had not. These sojourns drew playful jabs from others on the faculty, whose research did not take them to locales with sandy beaches. Professor Laughlin's standard retort was: "Somebody has to do it."

Professor Laughlin's interest in and concern for the peoples of U.S.-administered territories was, however, quite genuine. It fit well into his primary interest in the law, which was constitutional law. Professor Laughlin began writing on the law of U.S. territories. This would become his most lasting contribution in the law on the scholarship side. He brought to these writings the same ethical standard I had seen earlier. His writings reflect a concern for populations that strived to preserve their cultures.

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Professor Laughlin wrote extensively on the rights of the peoples of these territories in law review articles over several decades. In 1995, he published *The Law of United States Territories and Affiliated Jurisdictions*.¹ This treatise quickly became the standard work on the subject. It was remarkable not only for its analysis of the law but for its explanation of how the local populations reacted to their status. He included sections on local culture and how local practices could be preserved in a changing world.

That same concern for at-risk populations came through in Professor Laughlin's teaching. He loved to teach two U.S. Supreme Court cases from the nineteenth century on the rights of American Chinese, who at the era were subjected to extreme racial bias. *United States v. Wong Kim Ark* affirmed the citizenship rights of Chinese born in the United States.² *Yick Wo v. Hopkins* upheld the rights of a Chinese laundry owner in San Francisco who was denied a license required to operate his business.³

Professor Laughlin's concern for protection of rights drew him to the American Civil Liberties Union (ACLU), where he served as legal counsel for many years. His work at the ACLU focused on First Amendment rights. One of his more unlikely endeavors in that regard was his role in a Columbus production of the musical *Hair*. *Hair* had played on Broadway, and a tour performance was scheduled in 1971 for the Ohio Theater. The City of Columbus threatened to censor the production because of a scene in which the cast appears briefly in the nude. When the ACLU objected, the City of Columbus agreed to an arrangement whereby the production could go on as scheduled, but a Columbus police sergeant would attend and would intervene if the performance exceeded constitutional bounds. An ACLU lawyer would sit next to him to consult.

The ACLU role fell to Professor Laughlin. He later told me it was unclear exactly what he was supposed to do. He described his task as "babysitting" the sergeant. In the event, Professor Laughlin did not have to figure out what would have been a creative kind of lawyering. The sergeant, sitting next to Professor Laughlin, watched the performance quietly. The questionable scene came at the end of the production, leaving little time in any event for an objection.

I have always been grateful to Professor Laughlin for taking me under his wing and helping me acclimate to life at the College. His students were fortunate as well. They were exposed to a teacher who not only taught the law but who lived the ethical values needed for a successful legal career and a successful life.

¹STANLEY K. LAUGHLIN, *THE LAW OF UNITED STATES TERRITORIES AND AFFILIATED JURISDICTIONS* (1995).

² *United States v. Wong Kim Ark*, 169 U.S. 649 (1898).

³ *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).